

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION

ORDER NO. R9-2002-0120
ADMINISTRATIVE ASSESSMENT OF CIVIL LIABILITY
AGAINST
MANCHESTER RESORTS
VIOLATION
OF
ORDER NO. R9-2000-0090, NPDES PERMIT NO. CAG919001

The San Diego Regional Water Quality Control Board (Regional Board), having held a public hearing on June 12, 2002, to hear evidence and comments on the allegations contained in Amended Complaint No. R9-2002-0111, dated April 17, 2002, and on the recommendation for administrative assessment of Civil Liability pursuant to California Water Code section 13385 in the amount of \$21,000 finds as follows:

1. On June 14, 2000, the Regional Board adopted Order No. R9-2000-0090, NPDES Permit No. CAG919001, *General Waste Discharge Requirements For Temporary Groundwater Extraction And Similar Waste Discharges To San Diego Bay And Storm Drains Or Other Conveyance Systems Tributary Thereto*. Manchester Resorts was issued waste discharge requirements pursuant to Order No. R9-2000-0090 on July 13, 2001 for the downtown Hyatt Hotel Expansion project located at One Market Place, San Diego California. The site discharges to the City of San Diego's storm water conveyance system at Kettner Boulevard just south of North Harbor Drive and is ultimately discharged into San Diego Bay just west of the terminus of Kettner Boulevard.
2. The August, September, and October 2001 and February 2002 Manchester Resorts' Self-Monitoring Reports (SMRs) indicate seven sampling results in violation of Order No. R9-2000-0090's Discharge Specifications. These violations are summarized in attached Table 1, *Summary of Violations of Order No. R9-2000-0090, Manchester Resorts, San Diego Hyatt Hotel Expansion*.
3. Under California Water Code sections 13385(h) and (i), seven violations are subject to mandatory minimum penalties as outlined in Table 1.
4. The total amount of the mandatory minimum penalty s \$21,000.
5. Consideration of the factors prescribed in California Water Code Section 13385(e) based upon information available to the Regional Board prior to the hearing and described in greater detail in Complaint No. R9-2002-0111 supports assessment of civil liability pursuant to Water Code section 13385(i) in the amount of \$21,000 as detailed in Table 1.

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6. The Regional Board incurred costs totaling \$4,840, which includes investigation, preparation of enforcement documents, and communication with the discharger.
7. Issuance of this Order is exempt from the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.) in accordance with Section 15321, Chapter 3, Title 14, California Code of Regulations.

IT IS HEREBY ORDERED that pursuant to section 13385 of the California Water Code, civil liability is imposed on Manchester Resorts in the amount of twenty-one thousand dollars (\$21,000) and that the rationale for the assessment contained in Complaint No. R9-2002-0111 is hereby incorporated into this order.

I, John H. Robertus, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order imposing civil liability assessed by the California Regional Water Quality Control Board, San Diego Region, on June 12, 2002.

JOHN H. ROBERTUS
Executive Officer

Table 1.
Violation Summary for Manchester Resorts (August 2001 through February 2002)

Date	Gallons Discharged	Violation	Permit Limit	Report Value	Pollutant Category	Ratio Report to Permit	Chronic or Serious?	Water Code section 13385	Penalty
01 Aug 2001	193,900	Total Suspended Solids (TSS) instantaneous maximum	50 mg/L	176 mg/L	1	3.5	Serious	(h)(1)	\$3,000
14 Aug 2001	246,300	Total Suspended Solids (TSS) instantaneous maximum	50 mg/L	114 mg/L	1	2.3	Serious	(h)(1)	\$3,000
27 Aug 2001	104,100	Total Suspended Solids (TSS) instantaneous maximum	50 mg/L	116 mg/L	1	2.3	Serious	(h)(1)	\$3,000
31 Aug 2001	146,600	Total Suspended Solids (TSS) 30-day average	30 mg/L	135 mg/L	1	4.5	Serious	(h)(1)	\$3,000
04 Sep 2001	225,500	Total Suspended Solids (TSS) instantaneous maximum	50 mg/L	102 mg/L	1	2.0	Serious	(h)(1)	\$3,000
30 Oct 2001	289,900	Settleable Solids	3 ml/L	9.4 ml/L	1	3.1	Serious	(h)(1)	\$3,000
02 Feb 2002	63,100	Copper, instantaneous maximum	4.8 ug/L	9.27 ug/L 8.58 ug/L	2	1.9 1.8	Serious	(h)(1)	\$3,000

Total Gallons **1,269,400**

Total Penalty \$21,000